

AMENDED IN SENATE MAY 17, 2005

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 872**

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**Introduced by Senators Denham and Florez**

February 22, 2005

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An act to amend Sections 6025.2, 6025.5, 6026, 6026.5, 6027, 6027.5, 6028, and 6029 of, and to add Sections 6025.3 and 6027.1 to, the Food and Agricultural Code, relating to vertebrate pests, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 872, as amended, Denham. Vertebrate pest control research.

Existing law, which is to be repealed on January 1, 2006, requires the Secretary of Food and Agriculture to establish and administer a research program and advisory committee to control vertebrate pests that pose a significant threat to the welfare of the state's agricultural economy and the public. Existing law requires county agricultural commissioners to pay an assessment on the vertebrate pest material sold, distributed, or applied by the county for vertebrate pest control purposes, *as specified*. Existing law also establishes the Vertebrate Pest Control Research Account in the Department of Food and Agriculture Fund and continuously appropriates the money in the account to the secretary for purposes of the program.

This bill would provide that these provisions would remain in effect until January 1, 2016, thereby imposing a state-mandated local program, and making an appropriation by continuing in effect a continuously appropriated fund. *This bill would provide that county agricultural commissioners may withhold from the assessment paid to the secretary the amount necessary to recover the cost of complying with these provisions, as specified.* This bill would expand the

purposes of the research program to address vertebrate pests—~~which~~ *that* pose a significant risk to the state’s infrastructure. This bill would define research for purposes of these provisions to include both basic and applied research, as specified. This bill would also restrict expenditure of funds from the Vertebrate Pest Control Research Account, as specified.

Existing law provides that the Vertebrate Pest Control Research Advisory Committee shall consist of 11 representatives appointed by the secretary, including one representative of the county agricultural commissioners.

This bill would instead provide for a representative of the California Agricultural Commissioners and Sealers Association be appointed to the committee. This bill would *also* make other conforming changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6025.2 of the Food and Agricultural  
2 Code is amended to read:

3 6025.2. For purposes of this article, “vertebrate pest” means  
4 any specie of mammal, bird, reptile, amphibian, or fish that  
5 causes damage to agricultural, natural, or industrial resources, or  
6 to any other resource, and to the public health or safety.

7 SEC. 2. Section 6025.3 is added to the Food and Agricultural  
8 Code, to read:

9 6025.3. For purposes of this article, “research” means basic  
10 and applied research. Basic research is experimental or  
11 theoretical work undertaken primarily to acquire new knowledge  
12 of the underlying foundation of phenomena and observable facts,  
13 without any particular application or use in view. Applied  
14 research is also original investigation undertaken in order to

1 acquire new knowledge, but it is conducted to solve practical  
2 problems or objectives.

3 SEC. 3. Section 6025.5 of the Food and Agricultural Code is  
4 amended to read:

5 6025.5. (a) The secretary shall establish and administer a  
6 research program to control vertebrate pests ~~which~~ *that* pose a  
7 significant threat to the welfare of the state's agricultural  
8 economy, infrastructure, and the public.

9 (b) The specific purposes of the program include all of the  
10 following:

11 (1) The investigation of effective and economical alternative  
12 materials for the control of vertebrate pests.

13 (2) The solicitation and consideration of research proposals for  
14 alternative humane methods of control.

15 (3) The continuation of current vertebrate pest control product  
16 registration at the state level until alternative products are  
17 developed ~~which~~ *that* prove to be effective and economical.

18 (4) The funding of research for the development of scientific  
19 data to fulfill registration requirements.

20 (5) Cooperation with the United States Department of  
21 Agriculture in funding research programs to maintain, develop,  
22 and register vertebrate pest control materials used in this state.

23 SEC. 4. Section 6026 of the Food and Agricultural Code is  
24 amended to read:

25 6026. The secretary shall establish the Vertebrate Pest  
26 Control Research Advisory Committee consisting of the  
27 following members, appointed by the secretary, to serve at the  
28 pleasure of the secretary:

29 (a) One representative of the department.

30 (b) One representative of the California Agricultural  
31 Commissioners and Sealers Association.

32 (c) Five representatives of the agricultural industry  
33 representing affected commodities.

34 (d) One representative of the University of California.

35 (e) One representative of the California State University.

36 (f) One representative of the State Department of Health  
37 Services.

38 (g) One representative of the general public, with  
39 consideration given to a person with expertise in animal welfare.

SEC. 5. Section 6026.5 of the Food and Agricultural Code is amended to read:

6026.5. On or before December 31 of each year, the committee shall recommend to the secretary priorities for conducting various vertebrate pest control research projects and the amount of the assessment necessary to carry out those research projects.

SEC. 6. Section 6027 of the Food and Agricultural Code is amended to read:

6027. There is hereby created the Vertebrate Pest Control Research Account in the Department of Food and Agriculture Fund. Notwithstanding Section 13340 of the Government Code, the money in the account is continuously appropriated to the secretary for purposes of carrying out this article. Notwithstanding any other provision of law, the moneys in the account shall not be transferred to any other fund or encumbered or expended for any purpose other than as provided in this article.

SEC. 7. Section 6027.1 is added to the Food and Agricultural Code, to read:

6027.1. Expenditure of funds pursuant to this article shall be limited to the following:

(a) Reasonable administrative and operational expenses of the committee and the department, subject to the recommendation of an annual budget by the committee and approval by the secretary.

(b) Federal and state regulatory fees for the continued registration of vertebrate pest control materials and the registration of new materials.

(c) Basic and applied research as described in Section 6025.3.

(d) Educational outreach on the subject of vertebrate pest control methods.

*SEC. 7.5. Section 6027.5 of the Food and Agricultural Code is amended to read:*

6027.5. During the calendar year, each commissioner shall pay to the secretary a fee not to exceed fifty cents (\$0.50) per pound of vertebrate pest control material sold, distributed, or applied by the county for vertebrate pest control purposes, *less the amount necessary to recover the cost of complying with the provisions of this article, as determined by the secretary*. No assessment shall be imposed on the sale or on the distribution of

1 vertebrate pest control material by a county agricultural  
2 commissioner to another commissioner. Vertebrate pest control  
3 material registered by the secretary may only be sold or  
4 distributed by a county agricultural commissioner or as  
5 authorized by the secretary.

6 The secretary may set a different level of assessment in the  
7 amount necessary to provide revenue for the vertebrate pest  
8 control research projects carried out pursuant to this article only  
9 if the secretary, at a minimum, has consulted with the Vertebrate  
10 Pest Control Research Advisory Committee. The new level of  
11 assessment may only commence at the beginning of the  
12 subsequent calendar year. However, the assessment shall not  
13 exceed one dollar (\$1) per pound of vertebrate control material  
14 sold, distributed, or applied by the county for vertebrate pest  
15 control purposes. To assist the advisory committee in making its  
16 recommendations, the department shall submit a progress report  
17 to the members of the advisory committee at least 30 days prior  
18 to each meeting of the advisory committee. The report shall  
19 include, but is not limited to, data on research that has been, or is  
20 proposed to be, conducted and statements regarding the necessity  
21 for that research. This section does not preclude the department  
22 from preparing and distributing additional reports that may be  
23 requested by the advisory committee.

24 SEC. 8. Section 6028 of the Food and Agricultural Code is  
25 amended to read:

26 6028. The assessment payments required pursuant to Section  
27 6027.5, together with a report of the amount of vertebrate pest  
28 control materials sold, distributed, or applied during the previous  
29 six-month period, shall be made biannually by each  
30 commissioner to the secretary within one calendar month after  
31 June 30 and December 31 of each year.

32 SEC. 9. Section 6029 of the Food and Agricultural Code is  
33 amended to read:

34 6029. This article shall remain in effect only until January 1,  
35 2016, and as of that date is repealed, unless a later enacted  
36 statute, which is enacted before January 1, 2016, deletes or  
37 extends that date.

38 SEC. 10. If the Commission on State Mandates determines  
39 that this act contains costs mandated by the state, reimbursement  
40 to local agencies and school districts for those costs shall be

- 1 made pursuant to Part 7 (commencing with Section 17500) of
- 2 Division 4 of Title 2 of the Government Code.

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